

Amendment and Response under 37 C.F.R. 1.116

Applicant: Craig R. White

Serial No.: 09/977,687

Filed: October 16, 2001

Docket No.: 10011785-1

Title: CENTRALIZED BILLING CREDIT SYSTEM UTILIZING A PREDETERMINED UNIT OF USAGE**REMARKS**

Claims 1-8 and 21-26 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103

Claims 1-8 and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi US Patent No. 6,385,675 in view of Lamming et al. US Publication No. 2003/0050963.

The earliest effective date of the Lamming et al. US Publication No. 2003/0050963 is September 7, 2001 which is prior to the filing date of October 16, 2001 of the present patent application. Accompanying this Response is a Declaration of Prior Invention under 37 C.F.R. 1.131 to establish conception of the subject matter of the present patent application in the United States prior to the earliest effective date of September 7, 2001 of the Lamming et al. US Publication No. 2003/0050963 coupled with due diligence from prior to the earliest effective date of the Lamming publication up to the filing date of the present patent application (i.e., constructive reduction to practice). Applicant, therefore, respectfully requests consideration and entry of the Declaration of Prior Invention under 37 C.F.R. 1.131.

In view of the above, Applicant submits that the Lamming et al. US Publication No. 2003/0050963 does not qualify as a reference under 35 U.S.C. 102(c) and, therefore, does not qualify as a reference under 35 U.S.C. 103(a). Applicant, therefore, respectfully requests that the rejection of claims 1-8 and 21-26 under 35 U.S.C. 103(a) be reconsidered and withdrawn, and that claims 1-8 and 21-26 be allowed.

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In view of the above, Applicant respectfully submits that pending claims 1-8 and 21-26 are all in a condition for allowance and requests reconsideration of the application and allowance of all pending claims.

Any inquiry regarding this Response should be directed to either Nathan R. Rieth at Telephone No. (208) 396-5287, Facsimile No. (208) 396-3958 or Scott A. Lund at Telephone No. (612) 573-2006, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

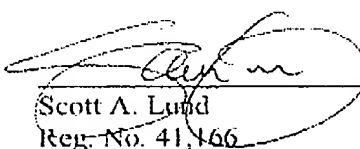
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Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300 on this 31st day of January, 2008.

By

Name: Scott A. Lund